

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

MINDSPIRIT LLC, MALVIKA KUMAR, and
ROSEWOOD PARTNERS,

Plaintiffs,

Case No.: 15-CV-6065 (PGG)

vs.

EVALUESERVE LTD.,

Defendant.

**MEMORANDUM OF LAW IN FURTHER SUPPORT OF PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

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ARGUMENT

Defendant's Memorandum of Law cites neither evidence nor legal authority in opposition to Plaintiff's Motion for Partial Summary Judgment. Instead, it presents five pages of assertions in bullet-point form, the majority of which consist of *ad hominum* attacks on third-parties' character (*e.g.* Gupta and Kumar "fouled their own occupational nest with felony violations of the federal securities laws"). Pl. Opp. Br. 1.

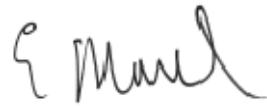
Pursuant to Rule 56(c)(1) "[a] party asserting that a fact cannot be or is genuinely disputed must support the assertion by: (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." As Defendant has done neither, Plaintiff's motion should be granted. *See e.g.*, *Chavis v. Ferris*, 358 F. App'x 258, 260 (2d Cir. 2009) ("As Chavis cites no evidence to the contrary, his challenge to the award of summary judgment ... is without merit"); *Scott v. Coughlin*, 344 F.3d 282, 287 (2d Cir. 2003) ("Conclusory allegations or denials are ordinarily not sufficient to defeat a motion for summary judgment").

Accordingly, Plaintiff respectfully requests that Summary Judgment be granted, for the reasons more fully set forth in Plaintiffs' Memorandum of Law in Support of Partial Summary Judgment and Plaintiffs' Opposition to Defendant's Motion for Summary Judgement, both of which are incorporated by reference.

CONCLUSION

For the reasons set forth below, Mindspirit respectfully requests that its motion be granted.

Dated: New York, New York
July 14, 2017



By:

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